



AF

JFW

PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/758,480	
	Filing Date	January 11, 2001	
	First Named Inventor	JOSEPH WAYNE FORLER, ET AL.	
	Art Unit	2623	
	Examiner Name	Vivek Srivastava	
Total Number of Pages in This Submission	12	Attorney Docket Number	PU010015

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Reply Brief.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomson Licensing Inc.
Signature	
Date	June 19, 2006

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Joel Fogelson
Signature	
Date	6/19/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Serial No. 09/758,480

PATENT
PU010015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : JOSEPH WAYNE FORLER, ET AL.
Serial No. : 09/758,480
Filed : January 11, 2001
For : Automatic On-Screen Display of Auxiliary Information
Examiner : Vivek Srivastava
Art Unit : 2623
Customer # : 24498

APPLICANTS' REPLY BRIEF

May It Please The Honorable Board:

Applicants are submitting this reply brief in accordance with 37 C.F.R. 41.41(a)(1) to address issues raised in the Examiner's Answer mailed on April 19, 2006.

It is believed that no fee is due in connection with this response. If any fee is owed however, please charge Deposit Account 07-0832.

REAL PARTY IN INTEREST

The real party in interest, the Assignee, is:
Thomson Licensing
46 Quai Alphonse Le Gallo
92648 Boulogne Cedex
FRANCE

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1 to 20 are rejected.

Claims 1 to 20 are appealed.

STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in the Appendix I.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(1) Whether the methods claimed in Claims 1-3 and 5- 8 are unpatentable under 35 U.S.C. §103(a) over Lajoie et al. (U.S. Patent 6,049,333) in view of Bixler (U.S. Patent 6,507,351);

(2) Whether the method as claimed in Claim 4 is unpatentable under 35 U.S.C. §103(a) over Lajoie et al. (U.S. Patent 6,049,33) in view of Bixler (U.S. Patent 6,507,351);

(3) Whether the apparatus claimed in Claims 9 – 16 is unpatentable under 35 U.S.C. §103(a) over Lajoie et al. (U.S. Patent 6,049,333) in view of Bixler (U.S. Patent 6,507,351); and

(4) Whether the apparatus claimed in Claims 17 – 20 is unpatentable under 35 U.S.C. §103(a) over Lajoie et al. (U.S. Patent 6,049,333) in view of Bixler (U.S. Patent 6,507,351) and K. K. Toshiba (EP 0 766 463 A2).

ARGUMENTS

Rejection of Claims 1-3 and 5-8 as being unpatentable under 35 U.S.C. §103(a) over Lajoie et al. (U.S. Patent 6,049,333) in view of Bixler (U.S. Patent 6,507,351)

The Examiner in the Answer on page 9, first paragraph writes, "In re page 5, claims 1-3 and 5-8, Appellant argues, the Final Rejection does not make out a prima facie case of obviousness. In particular, Appellant argues Bixler fails to completely disclose or suggest the feature of "providing the selected information for display while the video information is being displayed" (claim 1). This is feature is absent from Lajoie as well".

The Examiner then in the Answer writes about how Lajoie in fact discloses the claimed feature of "providing the selected information for display while video is being displayed." In actuality, the Examiner is addressing the second part of the Appellants' argument.

The Appellants point out that the Examiner relies on Bixler in forming the recited 103 rejection by stating that "Lajoie fails to disclose wherein the display of the selected (i.e. "second source") information is controlled by a user selected frequency of display parameter that determines when the selected information is displayed" (Rejection, page 3). That is the Examiner combines LaJoie with Bixler to anticipate the claimed feature of, "providing the selecting information for display while the video information is being displayed, wherein display of the selected video information is controlled by a user variable frequency of display parameter that determines when the selected information is displayed" as from Claim 1.

The Appellants attempted to point out that there is an inherent contradiction between the Examiner's combination of Lajoie with Bixler. Although the Examiner writes that Lajoie shows the "simultaneous display of selected information" (Examiner's Answer, page 9), a problem exists because although Lajoie may show video information with selected information (assuming arguendo with the Examiner's arguments), Bixler provides "acquired information" in a screen saver mode (Bixler, col. 7, line 32). This means that even if Bixler could be used with Lajoie, Bixler presents acquired selected information at a time different then (and not simultaneously) with video information.

That is, a screen saver is used as a replacement for the display of video information (such as a television programming or full motion video as shown in Lajoie) to prevent burn in of a display device. Hence, the frequency of display teaching from Bixler (if such a teaching exists) is to prevent the display of video information (to prevent burn in) and not to have selected information be displayed with video information (as suggested by the

Serial No. 09/758,480

Examiner in the Rejection and Examiner's Answer). Hence, there is more to the Appellants' argument than the cited to "providing the selected information for display while the video information is being displayed" from Claim 1, as cited to by the Examiner.

Rejection of Claim 4 as being unpatentable under 35 U.S.C. §103(a) over Lajoie et al. (U.S. Patent 6,049,333) in view of Bixler (U.S. Patent 6,507,351)

Appellants have no further arguments in connection with this rejection.

Rejection of Claims 9-16 as being unpatentable under 35 U.S.C. §103(a) over Lajoie et al. (U.S. Patent 6,049,333) in view of Bixler (U.S. Patent 6,507,351)

Appellants have no further arguments in connection with this rejection.

Rejection of Claims 17 – 20 as being unpatentable under 35 U.S.C. §103(a) over Lajoie et al. (U.S. Patent 6,049,333) in view of Bixler (U.S. Patent 6,507,351) and K. K. Toshiba (EP 0 766 463 A2)

Appellants do not agree with the Examiner that the arguments given in the Appeal Brief (for Claims 17-20) are used to attack references individually. Specifically, the Appellants would like to point out how the "screen saver mode" from Bixler would operate contrary to the operation of Lajoie (as addressed on page 10 of the Appeal Brief) where the information would not be displayed "concurrent" with the display of a program (as in Lajoie).

Accordingly, for the reasons given in the Appeal Brief and this Reply Brief, Appellant submits that the Examiner's rejection should be reversed as to Claims 1 – 20 and that the application be held to be in condition for allowance.

Respectfully submitted,

By: 

Joel M. Fogelson, Attorney

Registration No. 43,613

609/734-6809

Patent Operations
Thomson Licensing
P.O. Box 5312
2 Independence Way
Princeton, New Jersey 08543
June 19, 2006

APPENDIX I - APPEALED CLAIMS

1. A method for displaying user selected information comprising the steps of:
 providing video information received from a first source for display;
 receiving a selected information from a second source; and
 providing the selected information for display while the video
information is being displayed, wherein display of the selected information is
controlled by a user variable frequency of display parameter that determines
when the selected information is displayed.
2. The method of claim 1, wherein the selected information is selected
from a type of information in a variety of topics.
3. The method of claim 1, further comprising the step of:
 automatically displaying the selected information irrespective of
content of the video.
4. The method of claim 3, further comprising the step of:
 selecting a schedule for determining the frequency of display for
automatically displaying the selected information, wherein
 said schedule is modifiable by a user and
 said schedule represents a user selectable interval of time that
determines a time interval between when said selected information is
displayed.
5. The method of claim 4, wherein the step of selecting a schedule
includes the steps of:
 selecting between frequency of display options of: (i) a continuous
display of the selected type of the received information; (ii) periodic display of
the selected type of the received information; and (iii) as a status change
occurs display of the selected type of the received information.

6. The method of claim 5, wherein the step of selecting between the frequency of display option of as a status change occurs includes the step of:
selecting at least one of as an event changes and as an event is new.

7. The method of claim 2, further comprising the step of selecting a type of the received information from the variety of subjects includes the step of:
providing an on-screen display of a selection menu.

8. The method of claim 2, wherein the step of automatically displaying the selected type of information includes the step of:
displaying the selected type of information within an image displayed on the display device auxiliary to the display of the video from the first source on the display device.

9. A video processing television apparatus comprising:
a first means for receiving a program;
a means for selecting information to be received;
a second means for receiving the selected information;
a means for displaying the program; and
a means for displaying the selected information during display of the program, wherein said selected information is displayed in accordance with a user variable frequency of display parameter that controls when said selected information is displayed.

10. The apparatus of claim 9, wherein the means for displaying the selected information includes a means for automatically displaying the selected information irrespective of content of the program.

11. The apparatus of claim 9, wherein the means for selecting a type of information to be received includes means for selecting a type of information from information on a variety of topics.

12. The apparatus of claim 9, further comprising:
a means for selecting the frequency of display of the selected information.

13. The apparatus of claim 12, wherein said means for selecting the frequency of display of the selected information on the means for displaying includes:

a means for selecting one of (i) a continuous display of the selected information; (ii) periodic display of the selected information; and (iii) as a status change occurs display of the selected information.

14. The apparatus of claim 13, wherein the means for selecting one of (i) a continuous display of the selected information; (ii) a periodic display of the selected information; and (iii) as a status change occurs display of the selected information, includes a means for selecting at least one of (a) as an event changes and (b) as an event is new, in the case of a selection of as a status change occurs display of the selected information.

15. The apparatus of claim 9, further comprising:
a means for generating an on-screen display menu operable to permit user selection of the type of information to be received.

16. The apparatus of claim 9, further comprising:
a means for displaying the selected information within an image displayed on the means for displaying the image being auxiliary to the display of the program.

Serial No. 09/758,480

17. A television signal receiving apparatus comprising:
- a processing unit;
 - a first tuner in communication with said processing unit and operable to receive a program from a first source;
 - a second tuner in communication with said processing unit and operable to receive auxiliary information on a variety of topics from a second source;
 - an auxiliary information parser in communication with said processing unit and said second tuner and operable to extract the auxiliary information from the second source;
 - means for selecting a type of the auxiliary information from the variety of topics for display;
 - a display in communication with said processing unit, said first tuner, and said second tuner;
 - wherein said processing unit is operable to display the program on the display and concurrently display the selected type of auxiliary information on the display irrespective of the content of the program, and said display of said auxiliary information is controlled by a user variable frequency of display parameter that determines the frequency of when auxiliary information is displayed.
18. The television receiving apparatus of claim 17, further comprising:
- an on-screen display generator in communication with said processing unit and said display, and operable to provide an on-screen menu adapted to allow selection of types of auxiliary information by a user.
19. The television receiving apparatus of claim 17, further comprising:
- means for selecting said user variable frequency of display parameter as a modifiable time interval that determines a length of time in between when said auxiliary information is displayed.
20. The television receiving apparatus of claim 17, wherein the processing unit is operable to display the selected type of the auxiliary information within an image displayed on said display in addition to the display of the program.

APPENDIX II - EVIDENCE

None submitted

APPENDIX III - RELATED PROCEEDINGS

None